

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 26, 2009. Upon entry of the amendments in this response, claims 1 – 3, 5 – 10, 12 – 16, 18 – 21, 23 – 27, 29 – 34, 36 – 37, 39 – 40, 42 – 52, 54, 55, 57, 58, and 60 remain pending. In particular, Applicant amends claims 1, 12 – 14, 26, 37, and 57 and cancels claims 11, 35, 41, 56, and 59 without prejudice, waiver, or disclaimer. Applicant cancels claims 11, 35, 41, and 59 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Allowable Subject Matter

The Office Action indicates that claims 16, 18 – 21, 23 – 25, and 42 – 51 are allowable and claims 12 – 14, 35, 41, 54, and 59 are objected to but would be allowable if rewritten to include the base claim and any intervening claims. Applicant sincerely appreciates the indication of allowable subject matter and amend the pending claims, as indicated above.

II. Rejections Under 35 U.S.C. §112

The Office Action indicates that claim 57 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant amends claim 57, as indicated above. Applicant submits that this amendment fulfill all the requirements of 35 U.S.C. §112.

III. Rejections Under 35 U.S.C. §103

A. Claim 1 is Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 (“*Sundar*”) in view of U.S. Patent Number 7,340,615 (“*Krantz*”) and U.S. Publication Number 2005/0136837 (“*Nurminen*”). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method for accessing a wireless network, comprising:
detecting at least one wireless network within which a wireless device is located while the wireless device in a transmit off mode; and
determining whether the at least one wireless network is on a list of requested wireless networks;
in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode; and
determining whether the at least one wireless network is a wireless network whose identifier is unknown.
(Emphasis added).

Applicant respectfully submits that claim 1 is allowable over the cited art for at least the reason that none of *Sundar*, *Krantz*, and *Nurminen*, taken alone or in combination, discloses, teaches, or suggests a “method for accessing a wireless network, comprising... ***determining whether the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 1. More specifically, *Sundar* discloses “[a]s part of the beacon frame or the probe response, the AP sends a SSID... that identifies the AP 204. The mobile station 310 compares this SSID with a list of SSIDs... and if there is a match, infers that the WLAN 200 is a valid network for it to gain access” (page 4, paragraph [0058]). As illustrated in this passage, *Sundar* discloses that SSIDs are compared to determine whether there is a valid network. However, this is different than “***determining whether the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 1.

Further, *Krantz* fails to overcome the deficiencies of *Sundar*. More specifically, *Krantz* discloses “the power management module can also turn off the transmitter in wireless network interface modules that support this functionality” (column 14, line 20). However, this is different than claim 1 for at least the reason that turning off a transmitter is different than “**determining whether the at least one wireless network is a wireless network whose identifier is unknown**” as recited in claim 1.

Similarly, *Nurminen* fails to overcome the deficiencies of *Sundar* and *Krantz*. More specifically, *Nurminen* discloses “[p]ower management configuration [that] may be changed for the device based on its inferred context... This may include, for example, turn on or off its transmitter(s)” (page 7, paragraph [0109]). As illustrated in this passage, *Nurminen* discloses that power management can be changed based on its context. This is completely different than claim 1 for at least the reason that turning off a transmitter is different than “**determining whether the at least one wireless network is a wireless network whose identifier is unknown**” as recited in claim 1. For at least these reasons, claim 1 is allowable.

B. Claim 26 is Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claim 26 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 (“*Sundar*”) in view of U.S. Patent Number 7,340,615 (“*Krantz*”) and U.S. Publication Number 2005/0136837 (“*Nurminen*”). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claim 26. More specifically, claim 26 recites:

A system for accessing a wireless network, comprising:
a wireless device; and
application logic operatively associated with the wireless
device and adapted to:
switch the wireless device to a transmit off mode;
detect at least one wireless network within which
the wireless device is located while in the transmit off mode;
determine whether the at least one wireless
network is on a predetermined list of requested wireless networks;
in response to a determination that the at least one
wireless network is on the list of requested wireless networks,
switching the wireless device from the transmit off mode to a
transmit on mode; and
***switch the wireless device to a transmit on mode and
transmit a probe request frame in response to determining
that the at least one wireless network is a wireless network
whose identifier is unknown.***

(Emphasis added).

Applicant respectfully submits that claim 26 is allowable over the cited art for at least the reason that none of *Sundar*, *Krantz*, and *Nurminen*, taken alone or in combination, discloses, teaches, or suggests a “system for accessing a wireless network, comprising... [application logic adapted to]... ***switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 26. More specifically, *Sundar* discloses “[a]s part of the beacon frame or the probe response, the AP sends a SSID... that identifies the AP 204. The mobile station 310 compares this SSID with a list of SSIDs... and if there is a match, infers that the WLAN 200 is a valid network for it to gain access” (page 4, paragraph [0058]). As illustrated in this passage, *Sundar* discloses that SSIDs are compared to determine whether there is a valid network. However, this is different than “[application logic adapted to]... ***switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 26.

Further, *Krantz* fails to overcome the deficiencies of *Sundar*. More specifically, *Krantz* discloses “the power management module can also turn off the transmitter in wireless network

interface modules that support this functionality” (column 14, line 20). However, this is different than claim 26 for at least the reason that turning off a transmitter is different than “[application logic adapted to]... ***switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 26.

Similarly, *Nurminen* fails to overcome the deficiencies of *Sundar* and *Krantz*. More specifically, *Nurminen* discloses “[p]ower management configuration [that] may be changed for the device based on its inferred context... This may include, for example, turn on or off its transmitter(s)” (page 7, paragraph [0109]). As illustrated in this passage, *Nurimen* discloses that power management can be changed based on its context. This is completely different than claim 26 for at least the reason that turning off a transmitter is different than “[application logic adapted to]... ***switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 26. Further, claim 26 includes allowable portions of claim 35. For at least these reasons, claim 26 is allowable.

C. Claim 37 is Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claim 37 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 (“*Sundar*”) in view of U.S. Patent Number 7,340,615 (“*Krantz*”) and U.S. Publication Number 2005/0136837 (“*Nurminen*”). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claim 37. More specifically, claim 37 recites:

A system for accessing a wireless network, comprising:
means for switching a wireless device to a transmit off mode;
means for detecting at least one wireless network within which the wireless device is located while in the transmit off mode;
means for determining whether the at least one wireless network is on a predetermined list of requested wireless networks;
means for, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode; and
means for switching the wireless device to a transmit on mode and transmitting a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown.
(Emphasis added).

Applicant respectfully submits that claim 37 is allowable over the cited art for at least the reason that none of *Sundar*, *Krantz*, and *Nurminen*, taken alone or in combination, discloses, teaches, or suggests a “system for accessing a wireless network, comprising... ***means for switching the wireless device to a transmit on mode and transmitting a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 37. More specifically, *Sundar* discloses “[a]s part of the beacon frame or the probe response, the AP sends a SSID... that identifies the AP 204. The mobile station 310 compares this SSID with a list of SSIDs... and if there is a match, infers that the WLAN 200 is a valid network for it to gain access” (page 4, paragraph [0058]). As illustrated in this passage, *Sundar* discloses that SSIDs are compared to determine whether there is a valid network. However, this is different than “***means for switching the wireless device to a transmit on mode and transmitting a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown***” as recited in claim 37.

Further, *Krantz* fails to overcome the deficiencies of *Sundar*. More specifically, *Krantz* discloses “the power management module can also turn off the transmitter in wireless network interface modules that support this functionality” (column 14, line 20). However, this is different

than claim 37 for at least the reason that turning off a transmitter is different than “**means for switching the wireless device to a transmit on mode and transmitting a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown**” as recited in claim 37.

Similarly, *Nurminen* fails to overcome the deficiencies of *Sundar* and *Krantz*. More specifically, *Nurminen* discloses “[p]ower management configuration [that] may be changed for the device based on its inferred context... This may include, for example, turn on or off its transmitter(s)” (page 7, paragraph [0109]). As illustrated in this passage, *Nurminen* discloses that power management can be changed based on its context. This is completely different than than claim 37 for at least the reason that turning off a transmitter is different than “**means for switching the wireless device to a transmit on mode and transmitting a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown**” as recited in claim 37. Further, claim 37 includes allowable portions of claim 41. For at least these reasons, claim 37 is allowable.

D. Claim 52 is Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 (“*Sundar*”) in view of U.S. Patent Number 7,340,615 (“*Krantz*”) and U.S. Publication Number 2005/0136837 (“*Nurminen*”). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52 recites:

A method for accessing a wireless network, comprising:
automatically detecting at least one wireless network within
which a wireless device is located while the wireless device is on
and in a transmit off mode;
determining whether the at least one wireless network is
on the list of requested wireless networks;
in response to a determination that the at least one
wireless network is on the list of requested wireless networks,
switching the wireless device from the transmit off mode to a
transmit on mode; and
***determining whether the at least one wireless network
is a wireless network whose identifier is unknown.***
(Emphasis added).

Applicant respectfully submits that claim 52 is allowable over the cited art for at least the reason that none of *Sundar*, *Krantz*, and *Nurminen*, taken alone or in combination, discloses, teaches, or suggests a “method for accessing a wireless network, comprising... ***determining
whether the at least one wireless network is a wireless network whose identifier is
unknown***” as recited in claim 52. More specifically, *Sundar* discloses “[a]s part of the beacon frame or the probe response, the AP sends a SSID... that identifies the AP 204. The mobile station 310 compares this SSID with a list of SSIDs... and if there is a match, infers that the WLAN 200 is a valid network for it to gain access” (page 4, paragraph [0058]). As illustrated in this passage, *Sundar* discloses that SSIDs are compared to determine whether there is a valid network. However, this is different than “***determining whether the at least one wireless
network is a wireless network whose identifier is unknown***” as recited in claim 52.

Further, *Krantz* fails to overcome the deficiencies of *Sundar*. More specifically, *Krantz* discloses “the power management module can also turn off the transmitter in wireless network interface modules that support this functionality” (column 14, line 20). However, this is different than claim 52 for at least the reason that turning off a transmitter is different than “***determining
whether the at least one wireless network is a wireless network whose identifier is
unknown***” as recited in claim 52.

Similarly, *Nurminen* fails to overcome the deficiencies of *Sundar* and *Krantz*. More specifically, *Nurminen* discloses “[p]ower management configuration [that] may be changed for

the device based on its inferred context... This may include, for example, turn on or off its transmitter(s)" (page 7, paragraph [0109]). As illustrated in this passage, *Nurimen* discloses that power management can be changed based on its context. This is completely different than claim 52 for at least the reason that turning off a transmitter is different than "**determining whether the at least one wireless network is a wireless network whose identifier is unknown**" as recited in claim 52. Further, claim 52 includes allowable portions of claim 56. For at least these reasons, claim 52 is allowable.

E. Claim 57 is Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claim 57 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 ("*Sundar*") in view of U.S. Patent Number 7,340,615 ("*Krantz*") and U.S. Publication Number 2005/0136837 ("*Nurminen*"). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claim 57. More specifically, claim 57 recites:

A system for accessing a wireless network, comprising:
a wireless device; and
application logic operatively associated with the wireless device and adapted to automatically detect at least one wireless network within which the wireless device is located while the wireless device is on and in a transmit off mode, the application logic further configured to determine whether the at least one wireless network is on a list of requested wireless networks, the application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode; and **automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network.**

(Emphasis added).

Applicant respectfully submits that claim 57 is allowable over the cited art for at least the reason that none of *Sundar*, *Krantz*, and *Nurminen*, taken alone or in combination, discloses, teaches, or suggests a "system for accessing a wireless network, comprising... **automatically**

switch the wireless device to a transmit on mode in response to identifying the at least one wireless network

as recited in claim 57. More specifically, *Sundar* discloses “[a]s part of the beacon frame or the probe response, the AP sends a SSID... that identifies the AP 204. The mobile station 310 compares this SSID with a list of SSIDs... and if there is a match, infers that the WLAN 200 is a valid network for it to gain access” (page 4, paragraph [0058]). As illustrated in this passage, *Sundar* discloses that SSIDs are compared to determine whether there is a valid network. However, this is different than “***automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network***” as recited in claim 57.

Further, *Krantz* fails to overcome the deficiencies of *Sundar*. More specifically, *Krantz* discloses “the power management module can also turn off the transmitter in wireless network interface modules that support this functionality” (column 14, line 20). However, this is different than claim 57 for at least the reason that turning off a transmitter is different than “***automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network***” as recited in claim 57.

Similarly, *Nurminen* fails to overcome the deficiencies of *Sundar* and *Krantz*. More specifically, *Nurminen* discloses “[p]ower management configuration [that] may be changed for the device based on its inferred context... This may include, for example, turn on or off its transmitter(s)” (page 7, paragraph [0109]). As illustrated in this passage, *Nurimen* discloses that power management can be changed based on its context. This is completely different than claim 57 for at least the reason that turning off a transmitter is different than “***automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network***” as recited in claim 57. Further, claim 57 includes allowable portions of claim 59. For at least these reasons, claim 57 is allowable.

F. Claims 2, 3, 5 – 11, 15, 27, 29 – 34, 36, 39, 40, 55, 56, 58, and 60 are Allowable Over Sundar, Krantz, and Nurminen

The Office Action indicates that claims 2, 3, 5 – 11, 15, 27, 29 – 34, 36, 39, 40, 55, 56, 58, and 60 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Publication Number 2003/014650 (“*Sundar*”) in view of U.S. Patent Number 7,340,615 (“*Krantz*”) and U.S. Publication Number 2005/0136837 (“*Nurminen*”). Applicant respectfully traverses this rejection for at least the reason that *Sundar* in view of *Krantz* and *Nurminen* fail to disclose, teach, or suggest all of the elements of claims 2, 3, 5 – 11, 15, 27, 29 – 34, 36, 39, 40, 55, 56, 58, and 60. More specifically, Applicant cancels claims 11 and 56. Additionally, dependent claims 2, 3, 5 – 10 and 15 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 27, 29 – 34, and 36 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 26. Dependent claims 39 and 40 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 37. Dependent claim 55 is allowable for at least the reason that this claim depends from and includes the elements of allowable independent claim 52. Further, dependent claims 58 and 60 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 57. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

IV. Objections to the Claims

The Office Action objects to claim 1 for various informalities. Applicant amends claim 1, as indicated above and submit that this amendment overcome this objection.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/
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